

The regular meeting of the Town Assembly of the Village of Arden was convened at 7:45 PM on June 27, 1988, Chairman William C. Press presiding.

In attendance were:

William R. Bailey	Eugene Shaw	Bill Weible
Sally Thurston	Jean K. Brachman	John Hewlett
W. H. Vandever	Bernie Brachman	A. Barnes King
Pat Press	Pat Pyle	David A. Hofer (NV)
Bill Press	Skip Salkeld	Shaul Gladstone
Peter A. Renzetti	June Kleban	Jerry Shields (NV)
Helen Macklem	David Moses	Sally Hamburger
John Demsey	David A. Winnerling	Barbara Fenske
Ethel Monfort	Hugh Roberts	Lee Starr
H. R. Monfort	Lou Bean	Frank Young
Bertie Brooks	Peggy Aumach (NV)	Elizabeth Varley Walker
Aaron Hamburger	Thomas E. Colgan	Joan W. Colgan
Mary Irons	Cecilia Vore	Dorsey Lebeis (NV)
Edward Rohrbach	Drew Burslem	Dick Lebeis (NV)
John Dossett	Naomi Clark	Paul Thompson
Dick Cecil (NV)	Dane Miller	Bonnie Burslem
Karl Franz	Lucille Siegal	Larry Walker
D. Mickewich	Ted Southwell	Lanier Colgan
Leon Tanzer	Mark Madias	Tim Colgan
Cy Liberman	George Ward	Rae Gerstine
Marianne Cinaglia	Ruth Bean	Chris Demsey
Carolyn Liberman	Walter Broadbent	Kate Threefoot
Clara Dossett	Lizzie Broadbent	Mike Curtis
Steven A. Threefoot	Yvonne King	Sharon Young

Letter of Town Assembly from Bob Wynn re: sewage overflow line into Naamans Creek.

I am very distressed at the course of events concerning the overflow line. It is sad to be told by the County that the best present solution to the problem is to allow raw sewage to overflow into Naamans Creek, possibly for a period of up to 5 years. After careful consideration, I am not convinced the program you will hear is the proper one. As an alternative to spending \$5MM, I believe a program of stopping illegal basement and surface water discharges piped to the sewer, combined with a more diligent effort to protect the line from surface water encroachment combined with check valves in the affected persons' house would be money better spent. The few experts that I have talked to assure me that a sewer line in this part of the country, without an acidic environment, should last longer than 30 years.

With this in mind, I set out to see how to stop the dumping into the creek. I feel that if the pipe is removed it will create a large enough stink to attract enough attention so that the problem will be reevaluated.

The first thing I discovered was that the permit to discharge waste into a surface water, required under the Delaware Code, was never obtained. The County apparently is not disturbed by this. The next step was to find out how the State felt about the



County violating its laws. After two days of frustration in trying to talk to anyone in authority, I did talk with the Secretary of Natural Resources and Environmental Control, Mr. Wilson. His reaction was one of amazement and concern. He later, after conferring with his people, confirmed that the County was in violation of the State and federal law. Mr. Paul Janiga of his staff later called me back to discuss my concerns.

My recommendations are:

- 1) Get the pipe removed. The overflow, which only occurs several times a year, can be treated on the ground as they have been doing for 3 years. Disregard talk of overflow going into the creek in any event, very little does. The retaining berm that the County broke through should be restored. The solution to pollution is not dilution.

- 2) Work with the County to develop a plan for long range solutions that include maintaining the integrity of the present pipe.

I have these specific questions for David Hofer:

- 1) Why did the County install a discharge into Naamans Creek without a State permit?
- 2) Why did you and other County officials tell me, In March and April 1988, that you had a permit when in fact you did not?
- 3) Where did the permit application get hung-up? Who did not sign off?
- 4) In periods of maximum flow during storms, how full is the pipe at the first manhole upstream of the overflowing manhole?
- 5) What percent of capacity does the line run under "normal" conditions?
- 6) What percent of capacity will the line run under normal conditions after some Bethel Township volume is diverted to the Shellpot Interceptor?

Mr. David Hofer, from the New Castle County Conservation District, spoke about the problem of sewage in the Arden Creek.

Mr. Hofer explained that his agency has studied the affected area, determined the worst problems and developed the best, cost-effective analysis. By metering the sewer lines, they have determined that there is excess water only during heavy rain storms. Water is coming in through manhole covers because of leaking joints, substandard construction and illegal connections.

Steps already taken:

- \*Cleaning clogged lines
  - \*Repairing and/or lining broken pipes
  - \*Working with Bethel Township to limit their wet weather flow.
- Improvement has already been noted.

Solutions discarded:

- \*Holding basins - dangerous, unacceptable
- \*A relief line diverting the flow further down the system - too disruptive to the woodland.

Short term solutions: combine overflows into one area and divert into the stream.

Long term solution: An EPA grant to study sewage treatment plans, select the best plan and design it. This method will cost about \$5 million and must be done immediately since EPA grants expire in 2 years. The agency hopes to get the grant in the Fall of 1989 to design and construct a pumping station. The whole process will take 4-5 years.



What can the community do? Become involved in the agency's pursuit of EPA funds by attending meetings and voicing support.

Discussion:

- \*Hasn't this problem been created by all the new building in the area, won't further building make the situation worse? A few houses don't make much difference; new sewage systems are tighter.
- \*Won't the diversion of Bethel Township sewage solve the problem?
- \*Why do you have no permit?
- \*What if EPA denies the grant request? We will ask for local funding.

Councilman Richard Cecil stated that he shares Arden's concerns but can see no other way to temporarily alleviate the situation. He will vigorously pursue EPA funding.

Minutes of the March meeting approved.

Communications:

- \*Pamphlets available from the Delaware Dept. of Transportation describing their services. Ardenites might be particularly interested in DAST (services for the elderly and handicapped) and SCAT (Senior Citizen Affordable Taxi).
- \*Letter from Rep. Gwynne Smith. She regrets not being able to attend our town meeting, but is busy meeting with the Joint Finance Committee.
- \*Letter from Dennis Greenhouse, candidate for County Executive, delineating his platform.
- \*Gary Hinds, another candidate, asked for our list of residents. This list is a public record, he may come to Arden and make a copy.
- \*Letter from the Dept. of Community Development & Housing. Since Arden has entered into a cooperation agreement with New Castle County for the three year period starting July, 1988, residents may be able to participate in programs financed with Community Development Block Grant (CDBG) funds. Under Operation Home Fix-Up (OHFU), eligible homeowners and rental property owners can obtain low-interest or deferred loans to improve their properties. A representative will explain the program in more detail at the September meeting. Meanwhile, pamphlets are available.
- \*Letter from the Delaware Development Office. Ten copies of the Small Business Start-Up Guide were enclosed. The Guide is a blueprint for beginning business operations in Delaware.

The regular order of business was suspended to allow for the election of three members to serve on the Legislative Reference Committee.

The 3 people elected tonight will serve until March, 1990. After that, 2 seats will be filled in even years, one seat in odd years. On the ballot were: William Bailey, Lou Bean, Yvonne King, Helen Macklem, Steve Threefoot, and Mary Brent Whipple.

Elected were: Steve Threefoot, convener, Lou Bean and Mary Brent Whipple.

COMMITTEE REPORTS



Trustees - Shaul Gladstone

Robert Hitchens, Jr. has requested a variance to create a 20 ft. wide lot at 1680 Harvey Rd. While this is not part of Arden, it may be of interest to the nearby residents of Meadow Lane. A hearing is scheduled on Thursday, July 14, 1988, at 1:45 PM, in the Multi-Purpose Room of the Public Safety Building (New Castle County Police Headquarters).

The Trustees were requested to obtain an opinion on whether a "legal non-conforming use", frequently referred to as a "grandfathered use", can be lost. The County Planning Dept. has informed us that failure to make use of the "grandfathered" privilege for one year or more causes that privilege to be revoked. The property then reverts to its actual zoning. In Arden, this would mean that a house with two apartments, one of which is not used for a year, reverts to the single-family residential zoning. The same holds true for commercial property.

There are two cases of land rent arrearages which will call for legal action in the near future unless a settlement can be reached promptly.

Discussion:

Will the proposed lot splitting on Harvey Rd. result in another application for Meadow Lane access? Probably not, but representatives from Arden and as many residents as possible should attend the hearing to protest the application. The town is against the increase in building and the added traffic burden on Harvey Rd. Shaul Gladstone and Bill Press were appointed to officially represent Arden at the variance meeting.

Advisory - Marianne Cinaglia

Douglas Croft, from the State Dept. of Planning and Community Development, attended the Advisory Meeting to talk about the Delaware State Housing Code mandated by SB 123. The code, going into effect July 12, 1988, established minimum property maintenance standards for dwelling units--mainly rental properties and sales. The agency will deal only with complaints. Mr. Croft questioned who would be the enforcing agency for Arden: Arden, the State, or the County. Sally later contacted the County who affirmed that they will continue to enforce the housing code in Arden as they have been doing. This information was sent to Mr. Croft.

Moved that the \$750 donation to the Fire Company, a line item in the current budget, be distributed thusly: \$500 to Claymont, \$100 to Talleyville, \$100 to Brandywine, \$50 to Bethel Township.

Discussion:

Pro: We are dependent on the back-up companies since Claymont is understaffed. Talleyville has paid drivers and Bethel a new medical **emergency** unit.

Con: Talleyville, Brandywine, and Bethel Companies are back-ups for Claymont, our serving company. No other area contributes to back-up companies, let's not spread our contribution thin and dilute its effect. Claymont is an inadequate company and should receive no contribution. The budget, approved by referendum, refers to the fire company, not companies. Town Assembly cannot legally prorate this item.



Motion defeated: 20 Aye, 28 Nay.

Assessors - Cy Liberman

Once again the Assessors have turned in a unanimous report. You have the text of the report; I will just comment briefly on what we have done. We have used the same rationale we used last year in determining the full rental value.

The new rental rates are 3.8 percent higher than the current year's rates.

We have made one change in the greens factor. We are omitting Sherwood Green as a positive factor. Residents argue it is no longer an advantage to live across from that green because of the traffic and the playground noise.

The only other change is a change in name, which applies to the one leasehold which has a commercial use. We continue to have a 75 percent surcharge for that leasehold, but we are calling it Rate D instead of calling it the commercial factor.

Discussion:

Objection to the removal of the Sherwood Green Factor was voiced. The noise of children on the playground is not offensive and the traffic problem is overblown.

Audit - John Hewlett

The town is solvent. Complete report on file.

Buzz Ware Village Center - Aaron Hamburger

Overall, activities are proceeding smoothly at the BWVC and we have been free of problems. Items to report are:

- \*Use of building: Since the last Town Assembly, there have been 15 meetings and 2 events. Currently, ACRA is using the building for their summer program which began today.
- \*Asbestos update: Inspection of both the original building and the modules by a certified inspector has been contracted for by WMA and should be done during the summer. Inspection of schools is mandated by federal regulations and must be completed by the end of October, 1988. Estimated cost is \$2500.
- \*Air conditioning: The committee established a fee of \$1 per hour for use of the air conditioner in room 4 by groups meeting in the building. No fee will be charged for official town use such as committee meetings.
- \*WMA future plans: No notice regarding termination of our contract has been received from WMA. Therefore, we can assume WMA will remain in the BWVC for at least two more years. We understand current plans are to have 2 or 3 classes in the building this coming school year. The modules would be used for other activities such as conferences and teacher work rooms.

Discussion:

Arden needs a center for its office and archives. We should be thinking of converting the Village Center to this use. The committee estimates the building will cost \$10,000-\$17,000 to maintain without the modules.

Montessori should pay the entire cost of the asbestos inspection since federal regulations apply only to schools.

Civic - Gene Shaw



The final survey of the Memorial Grove drainage project has been completed. The specs are substantially as originally given. Cost, as budgeted, \$10,500. Work should be starting soon and completed by the end of July.

Road work this year will consist of paving sections of Walnut Lane, Miller Rd., and Wind Lane. Also under consideration is a new section of storm sewer under St. Martins Lane.

The committee has received a request to remove a healthy town tree because its roots have gotten into a sewer lateral. Sewer lines may now be made root-proof so request was denied.

Woody Vandever has made what the committee considers an excellent recommendation. His plan is to extend the Sherwood Green overflow parking lot area back toward Sunset Lane with an exit to Orleans Rd. All traffic would be one-way from The Highway to Orleans Rd. This would eliminate the need for turning around and often damaging the Green. Construction would be: remove and stockpile top soil, fill excavation with old paving from any roadwork being done, roll area and cover with crushed run as used in existing area. A large portion of the cost would be covered by saving the cost of having to haul the paving to a dump and paying over \$40 per ton to dump it. The whole project would not have to be done at one time, but in stages as we have extra paving to get rid of. We are not presenting this as a motion at the present time but as information that can be considered at your leisure to help make a decision at a later date.

#### Discussion:

Some residents on Orleans Rd. were concerned about through traffic on Sunset Lane if the area is paved.

The speed bump reflectors are too close to the road; cars are knocking them over constantly, they are not going to last long unless moved further from the road. The reflectors were installed according to County regulations to prevent drivers from going around the humps.

#### Community Planning - Sally Thurston

The committee has met monthly since the last Town Assembly. The annual woods clean-up, organized again this year by Cecilia Vore, was held on April 16. Over 40 volunteers from Arden and Ardentown worked for 3 hours, scouring the woods and stream from Marsh Rd. to Indian Circle and from Sconset to Indian Circle. A record amount of trash was removed. It was collected the following Saturday during the special trash pick-up. As a consequence of observing the woods over the years, our committee has decided that a Woods Protection Ordinance is appropriate.

For the first time our committee held a clean-up day in the Memorial Garden on April 30. It was hosted by Ethel Monfort, the Memorial Garden Representative. Although turn out was disappointingly small, volunteers cleared a significant amount of brush and pruned most of the bushes and small trees. Thanks to Lou Bean for providing his chipper/shredder to process the debris. We hope that this event will grow to be as successful as the woods clean-up. In consideration of the free resting place, we hope that more residents will join us in October on our next maintenance day in caring for loved ones' graves. At that time we will be planting daffodils and perhaps a tree if the drainage project has been completed.



The Marsh Rd. Project has been completed and Cecilia Vore has made a final site inspection.

Our committee plans to start accumulating materials for a new Arden Book. Revisions and suggestions for additions are welcome.

We have a new committee member, Ed Rohrbach, replacing John Grimaldi who has resigned due to a new job.

Again, Arden is governed by the New Castle County leash law. It states that all dogs must be leashed or under control of their owners at all times. Dogs may not run at large at any time. A growing problem of dog droppings exists on the Arden Green. If residents observe dog owners "walking" their pets on the Green, please ask those involved to clean up after their dogs.

Our committee is discussing how we should be involved in requests for variances. We will ask for a town position on the issue at a future meeting. We will then represent that position at future Board of Adjustment hearings when Arden variance requests are presented.

#### Proposed Woods Ordinance - Cecilia Vore

The volunteer woods clean-up force has grown in number over the past 5 years. During this period, the committee has noted an increasing problem with dumping debris--building materials, trash, Christmas trees, hedge clippings, piles of leaves--in the woods. Even natural debris is an eyesore, we need to protect our woodland. Hence the following proposal:

In order to protect the natural character of our woods and parklands, dumping of any kind in the woods or commons is prohibited. This includes organic debris such as piles of leaves, hedge clippings and Christmas trees.

This ordinance shall be enforced by a committee: one representative each from the Civic Committee and Community Planning Committee, who shall inspect the woods and common areas regularly and notify residents or leaseholders of possible violations. Any resident or leaseholder who violates this ordinance and refuses to remove debris or repair damage in a timely manner may be billed for necessary clean-up services by the Civic Committee.

It will be the responsibility of the Chairman of the Community Planning Committee to convene the woods inspection committee defined above.

#### Discussion:

Doesn't the current Greens and Commons Ordinance cover the situation? The current ordinance refers to litter and is not generally interpreted as including natural debris.

Care of the woodlands is a Civic responsibility; we don't need an ordinance for this. People need to be sensitized to the problem. Civic Committee should pursue litterers with more vigor.

We must be careful of passing too many ordinances.

Is this ordinance enforceable? Many times we cannot identify the culprits. Sometimes the offending party is obvious because of the location of the debris. This ordinance would clearly delineate community standards.



Ordinances require three readings at Town Assembly before being adopted. The ordinance will be discussed at the September and January meetings before a vote is taken.

The Community Planning Committee was questioned about their appearance before the Board of Adjustment to oppose a variance request made by Ted Southwell. The Chairman, Sally Thurston, represented Arden at the Hearing. Shaul Gladstone, Senior Trustee, also attended the meeting for Arden and spoke in favor of the variance. There seemed to be crossed signals here; Community Planning understood that the Trustees asked for their opinion on this variance, the Trustees felt they had asked the committee for general guidelines and direction in zoning matters. Trustees asked the committee to survey the immediate neighbors to see if anyone objected to the variance--none of them did. Town Assembly expressed disfavor with any committee representing Arden to the public without town approval. If there is no time to consult the whole Assembly, an emergency meeting of the Advisory Committee should be called.

#### Playground - Larry Walker

During the past quarter, the required playground equipment inspections were made. The necessary repairs were completed and additional root mulch added under the equipment. The principal cause of injuries in playground accidents is a fall to a hard surface, so the root mulch provides a much softer and safer landing surface for our children.

The principal maintenance project for this summer will be the repainting of the equipment. If no capable and interested Ardenite can be found for this project, the work will be contracted to a commercial painter.

#### Registration - Sally Hamburger for Virginia Shaw

There are 411 eligible voters as of this date - an all-time high.

I attended a meeting in Dover sponsored by the State Archives Dept. where the latest records management laws were explained. We now have a new weighty tome of instructions to be carried out.

#### Safety - No committee report

Pat Press, Town Watch Coordinator, asked for more volunteers to carry out this important program.

OLD BUSINESS - NONE

NEW BUSINESS - NONE

GOOD AND WELFARE

Larry Walker presented a bust of Haynes Albright, a member of the "Dover Jailhouse Gang", to the town. The bust, a photograph and a book of Frank Stephens' poetry were donated by Susan Newhauser Attlee, a distant relative of Larry's. These items will be displayed in the Arden Archives and a letter of appreciation from the town will be sent to Mrs. Attlee.



The Archive Room, now located in the Craft Shop, is in disrepair; it has not been tended to in some years. Bob and Phyllis Wynn, owners of the Craft Shop, are willing to allow the town continued use of the space for archives provided the space is made secure and someone is put in charge of the project. The Assembly expressed interest in reviving the Archives but were concerned about the Craft Shop Space--it is not secure from vandalism, theft, or fire. The Buzz Ware Village Center was noted as a more appropriate place. Perhaps a room could be made available there now that WMA will be reducing their classroom use of the building. Sally Hamburger was asked to chair a committee, consisting of Joan Colgan, Jean Brachman, Ethel Monfort and Pat Liberman, to study the feasibility of reviving the archives.

Ardencroft has a controversy with WMA over a town tree that was inadvertantly topped during a land clearing project behind WMA's new building off Harvey Rd.

Dr. Jerry Shields, from Dover, was introduced to the Assembly. Dr. Shields is writing a paper on the history of Arden and will be gathering information from residents during the coming year.

How about replacing the old flag pole at Soldiers Monument on the Arden Green so we can fly the flag on special occasions? Since no one could remember a flag ever being flown there, the suggestion was dropped.

Meeting Adjourned - 11PM

*Sally Hamburger*  
*Secretary*